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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,407

06/19/2007

Karsten Hoffhaus

20941/0211443-US0

5417

95402

7590

12/08/2010

LEYDIG, VOIT AND MAYER  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON AVENUE  
CHICAGO, IL 60601

EXAMINER

BRINSON, PATRICK F

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

12/08/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,407	<b>Applicant(s)</b> HOFFHAUS ET AL.	
	<b>Examiner</b> Patrick F. Brinson	<b>Art Unit</b> 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 25-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 9, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 6, 7 and 10-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Group I in the reply filed on 27 October 2010 is acknowledged. The traversal is on the ground(s) that the groups relate to a single general inventive concept. This is not found persuasive because the process claims are drawn more to the material transported through the pipeline than the pipeline itself.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 9, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 4,084,842 to **Stonitsch et al.**

The patent to **Stonitsch et al.** discloses a conduit system with expansion coupling comprising an outer pipe section (14), an inner pipe section (12) defining a passageway for transporting a material or gas, the inner pipe section being positioned within the outer pipe section and the inner pipe section formed of an abrasion

resistant material. Also disclosed is a support means supporting the inner pipe section in relation to the outer pipe section so that the inner pipe section can expand axially relative to the outer pipe in response to temperature changes in the material being transported in the pipe segment. The support means includes a first support means located at one end of the pipe segment (12), with the first support means including a support member (17) that can receive an end of the inner pipe section of an adjacent pipe segment (15) when the adjacent pipe segment is positioned in use in end to end relationship with the pipe segment and can allow expansion of that inner pipe section relative to the outer pipe section of the adjacent pipe segment in response to temperature changes in the material being transported in the adjacent pipe segment, as recited in claim 1. The support member encloses and extends axially from one end of the pipe section of the pipe segment (12) and can receive and enclose the end of the inner pipe section of the adjacent pipe segment when the adjacent pipe segment is positioned in an end to end relationship, as recited in claim 2. The support member (17) includes a sealing ring (20) which forms a seal with the ends of the inner pipe sections, as recited in claim 3. The support member (17) is in the form of a sleeve having an inwardly facing cylindrical surface for contacting the outer surfaces of the ends of the inner pipe sections, as recited in claims 4 and 5. The support means includes ring (23) that also supports the inner pipe section in relation to the outer pipe section, as recited in claim 8 and provides a barrier to movement of gas axially along

the space between inner and outer pipe sections of pipe segments, as recited in claims 8 and 9. The transfer line includes a plurality of pipe segments, as recited in claim 23, with the plurality of pipe segments being positioned in an end to end relationship with the ends of adjacent outer pipe sections being connected together and the end of each pair of adjacent inner pipe sections extending into and engaging the support member of the other of the pair of adjacent inner pipe sections, as recited in claim 24.

**Stonitsch et al.** discloses the recited structure, but does not specifically disclose the pipeline transporting hot particulate material, however it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

***Allowable Subject Matter***

3. Claims 6, 7 and 10-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The recited references are pertinent to Applicant's invention in disclosing pipelines including inner pipelines that may axially expand.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kevin P. Shaver** can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the

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automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick F. Brinson/

Primary Examiner, Art Unit 3754

P. F. Brinson

December 6, 2010